

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARMEN GOMEZ,

Plaintiff,

-against -

INOVISION-MEDCLR PORTFOLIO GROUP, LLC,  
PETER T. ROACH & ASSOCIATES, P.C.,  
KIRSCHENBAUM, PHILLIPS & ROACH, P.C.,  
TIMOTHY MURTHA, LVNV FUNDING, LLC,  
RESURGENT CAPITAL SERVICES, LP and  
NCO FINANCIAL SYSTEMS, INC.

Defendants.

Docket No: 13-cv-07395-RWS

**DECLARATION OF HAN SHENG  
BEH IN SUPPORT OF THE  
RESURGENT DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

Han Sheng Beh, an attorney duly admitted to practice law before this Court, states the following under penalties of perjury as follows:

1. I am an associate of Hinshaw & Culbertson LLP, counsel for Defendants LVNV Funding, LLC ("LVNV") and Resurgent Capital Services, LP ("Resurgent" and together with LVNV, the "Resurgent Defendants").

2. This Declaration, along with the annexed exhibits, are submitted in support of the Resurgent Defendants' Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

3. A true and correct copy of Plaintiff's Original Complaint and Jury Demand is annexed hereto as **Exhibit 1**.

4. A true and correct copy of the Summons and Complaint filed on September 12, 2005 in the Bronx County Civil Court (the "Debt Collection Action") produced by Plaintiff purporting to be Mel S. Harris and Associates, L.L.C.'s response to Plaintiff's subpoena, bates stamped 000110-000113, is annexed hereto as **Exhibit 2**.

5. A true and correct copy of a default judgment rendered on or about November 30, 2005 (the “Gomez Judgment”) in the Debt Collection Action produced by Plaintiff purporting to be Mel S. Harris and Associates, L.L.C.’s response to Plaintiff’s subpoena, bates stamped 000106, is annexed hereto as **Exhibit 3**.

6. True and correct copies of the collection notes for Defendants Peter T. Roach & Associates, P.C., Kirschenbaum, Phillips & Roach, P.C. and Timothy Murtha (collectively the “Roach Collectors”) which were produced by the Roach Collectors in response to Plaintiff’s discovery requests are annexed hereto as **Exhibit 4**.

7. A true and correct copy of page 37 of the Deposition to Timothy Murtha (the “Murtha Depo.”) is annexed hereto as **Exhibit 5**.

8. A true and correct copy of page 267 of the Murtha Depo. is annexed hereto as **Exhibit 6**.

9. True and correct copies of non-party Global Connect’s responses to Plaintiff’s subpoena are annexed hereto as **Exhibit 7**.

10. A true and correct copy of the Order to Show Cause filed by Plaintiff in the Debt Collection Action on or about February 19, 2013 produced by Plaintiff purporting to be Mel S. Harris and Associates, L.L.C.’s response to Plaintiff’s subpoena, bates stamped 00089-000090, is annexed hereto as **Exhibit 8**.

11. A true and correct copy of the March 8, 2013 decision by the Bronx Civil Court in the Debt Collection Action vacating the Gomez Judgment produced by Plaintiff purporting to be Mel S. Harris and Associates, L.L.C.’s response to Plaintiff’s subpoena, bates stamped 000139, is annexed hereto as **Exhibit 9**.

12. True and correct copies of the Answer and Motion to Dismiss filed by Plaintiff in the Debt Collection action produced by Plaintiff purporting to be Mel S. Harris and Associates, L.L.C.'s response to Plaintiff's subpoena, bates stamped 000130 – 000147, are annexed hereto as **Exhibit 10.**

13. A true and correct copy of Plaintiff's responses to the Resurgent Defendants' Document Requests, bates stamped Gomez 110-112, are annexed hereto as **Exhibit 11.**

14. A true and correct copy of the Roach Collector's responses to Plaintiff's request for documents is annexed hereto as **Exhibit 12.**

15. True and correct copies of the Resurgent Defendants' Verified Responses to Plaintiff's interrogatories are annexed hereto as **Exhibit 13.**

16. True and correct copies of pages 24 to 25 of the Murtha Depo. are annexed hereto as **Exhibit 14.**

17. True and correct copies of pages 26 to 28 of the Murtha Depo. are annexed hereto as **Exhibit 15.**

18. A true and correct copy of page 314 of the Murtha Depo. is annexed hereto as **Exhibit 16.**

19. A true and correct copy of page 81 of the Murtha Depo. is annexed hereto as **Exhibit 17.**

20. True and correct copies of the Resurgent Defendants' Offers of Judgment are annexed hereto as **Exhibit 18.**

21. The exhibits referenced in the Affidavits of Tonya Henderson, dated December 29, 2014, will be separately filed under seal pursuant to this Court's filing instructions regarding sealed documents.

**WHEREFORE**, it is respectfully requested that the Court issue an order granting the Resurgent Defendants' Motion for Summary Judgment in its entirety and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
December 30, 2014

*s/ Han Sheng Beh*  
Han Sheng Beh